

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. In the office action of October 6, 2003, the drawings were objected to for a number of errors involving reference numerals. The abstract was objected for inappropriate length and usage of legal terminology. All pending claims were rejected under 35 U.S.C. §112, as indefinite. Finally, claims 1-3, 9, 16-19, and 21 were rejected under 35 U.S.C. § 102(b), as anticipated by Depoix (EP 0664241A1). The applicant respectfully traverses all these rejections. The specification and drawings have been amended as requested, and all indefinite claims have been corrected.

Claims 4-8, 11, and 20 were previously found in condition for an allowance if rewritten in independent form. These claims have been changed to an independent state, and the applicant respectfully requests their allowance.

Claim 22 has been added to the list of claims. Other than the changes necessary to clarify claim 1 in response to the §112 rejection, claim 22 incorporates the same language used in claim 1 prior to the amendment made to claim 1 in this response.

Objections to the Drawings

The drawings were objected to for a number of reasons. First of all, the drawings were objected to for failing to show the gear mechanism recited in claim 4. Element 112 in drawings 2 and 3 clearly depicts a preferred embodiment of the gear system recited in claim 4. In addition, reference numerals 1121a and 1121b have been added to Figures 2 and 3 to clarify the illustration of this embodiment of the gear system.

The drawings also did not include reference numerals for teeth 1121a and 1121b, stud 31, and recess 102. To satisfy the requirements of 37 CFR 1.84(p)(5), missing reference numerals for teeth 1121a and 1121b, and recess 102 have been added to Figures 2 and 3.

The specification incorrectly referred to stud 31 on p. 13. This reference numeral has been amended to 131, the reference numeral used throughout the specification to refer to the

stud(s). Accordingly, the drawings need not show stud 31, since no such reference numeral is now present in the specification. This amendment also overcomes the objection based upon 37 CFR 1.84(p)(4), since only reference numeral 131 designates a stud.

Finally, the drawings were objected for using reference numeral 101 to depict both a recess and an end of the transverse bar. Any sections in which the specification erroneously referred to recesses 101 rather than 102 have been amended. Thus, the specification now refers to an end 101 and recesses 102. Accordingly, the Applicant respectfully requests that all objections to the drawings be withdrawn.

Objections to the Specification

The abstract was objected to for improper form, excessive length, and terminology. The abstract has been replaced with a shorter version. In the amended version, the abstract is free of legal terminology. Applicant respectfully contends the abstract is currently in a permissible form, and this objection should be withdrawn.

Claim Rejection under 35 U.S.C. § 112

All pending claims were rejected under 35 U.S.C. § 112, ¶ 2, for indefiniteness. A number of claim terms lacked an antecedent basis and used some others contained inappropriate language such as "and/or," "more or less," and "the latter." Antecedent bases have been provided for all terms, and any inappropriate terminology has been amended. In addition, the preferred transitional phrase "wherein" has been added in substitution for the wordy phrase "characterized in that." Therefore, the applicant respectfully requests that this rejection be withdrawn.

Claim Rejection under 35 U.S.C. § 102

Claims, 1-3, 9, 16-19, and 21 were rejected under 35 U.S.C. § 102(b), as anticipated by Depoix (EP 0664241A1). The applicant respectfully traverses this rejection. Claim 22 contains the identical language that claim 1 contained when this rejection was made. Thus, the following discussion corresponds to claim 22 as well. According to the current invention, at least one of the feet comprises a housing in which the transverse bar can slide between two extreme positions

in order to adapt to the differing length between the nonparallel side rails. Thus, the adjustment necessary to accommodate the varying distance between the side rails occurs within a housing included in the foot. Depoix teaches a roof-rack wherein the length of the transverse bar (1) is adjusted within the transverse bar itself. Nowhere does Depoix teach that the necessary length adjustment occurs within a housing contained within the foot (2). (See abstract, "Each bar . . . incorporates a mechanism (6, 10, 11) which allows its length to be adjusted). Thus, Depoix fails to teach a roof-rack wherein a foot includes a housing for altering the effective length of the transverse bar. Accordingly, Depoix fails to anticipate the claimed invention.

The claimed invention also requires that the angle between the transverse bar and the side rails remains substantially constant while the transverse bar slides along the side rails. In the teachings of Depoix, however, the angle can change. As taught in the abstract and illustrated in Figure 4 of Depoix, the articulation between the transverse bar (1) and the foot (2) allows the transverse bar to turn relative to the foot about the vertical pivot pin (8). Thus, as the transverse bar (1) slides along the side rails, the angle of the bar relative to the side rails can vary. This renders it more difficult to move the bar to a new position, and also decreases the stability of the bar. For this reason as well, Depoix fails to anticipate the current invention.

Finally, claim 1 requires that the first and second locking and reinforcement means extend inside the transverse bar. This feature of claim 1 provides reinforcement of the transverse bar and can be seen in a preferred embodiment illustrated in Figures 2 and 3. Nowhere does the locking and reinforcement means taught by Depoix extend inside the transverse bar. This is yet another reason Depoix fails to anticipate claim 1.

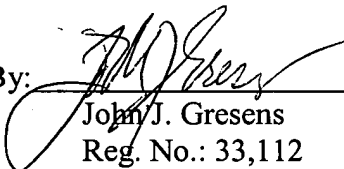
In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application in the form of a Notice of Allowance.



Date: 1/6/03

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

By: 
John J. Gresens
Reg. No.: 33,112
JJG/TSW